

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWIN WALTER JENNEY,

Plaintiff,

v

Case No. 1:06-cv-771

STATE OF MICHIGAN,

Hon. Wendell A. Miles

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

On December 4, 2006, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation (“R & R”) recommending that plaintiff Edwin Walter Jenney’s complaint be dismissed for failure to state a claim. On January 19, 2007, the court issued a Judgment approving the R & R, giving additional reasons why plaintiff’s complaint failed to state a legally cognizable claim for relief. The matter is now before the court on plaintiff’s Motion for Reconsideration (docket no. 12).

In his motion, plaintiff argues, among other things, that he should be permitted to amend his complaint. Although Fed.R.Civ.P. Rule 15(a) provides that leave to amend “shall be freely given when justice requires[,]” futility is a recognized reason for not allowing an amendment. Marx v. Centran Corp., 747 F.2d 1536, 1550 (6th Cir.1984). Here, although plaintiff does not specify any particular amendment he wishes to make, it is clear – for the reasons stated by the

court in its Judgment and in the R & R – that any amendment of the complaint would be futile. Plaintiff simply cannot achieve what he wishes to achieve through any complaint filed in this court. His motion is, therefore

DENIED.

So ordered this 20th day of March, 2007.

/s/ Wendell A. Miles
Wendell A. Miles, Senior Judge